CLAIM AMENDMENTS

The following is a complete list of claims. The claims below replace all prior versions of the claims in the application. Please amend claims 1, 2, 4 – 12, 14 – 16, and 18 – 24. Please add new claims 25 – 49.

1. (Currently Amended) A method of determining network conditions, the method comprising:

determining a transmission period for receiving a data packet;

subtracting a base period from the transmission period to determine a transmission latency; and

in response to the transmission latency being less than 0, modifying the base period.

~~receiving a plurality data packets from a server computer via a network communication link; and~~

~~determining a one-way transmission latency, responsive to the receipt of two or more of the plurality of data packets, wherein the one-way latency identifies a duration of time that it takes to receive a data packet from the server in relation to a previously received data packet.~~

2. (Currently Amended) The method of claim 1, wherein determining the transmission period includes: ~~additionally comprising:~~

reading a timestamp included in the data packet, wherein the timestamp includes the time that the data packet was sent; and

~~accessing a timestamp in each of the plurality of data packets, each timestamp approximately identifying a point in time when the server computer began transmitting the respective data packet; and~~

modifying the time of ~~each of~~ the timestamp ~~s~~ to account for any clock skew. ~~between a clock of the server computer and a clock of a receiving computer.~~

3. (Original) The method of claim 1, additionally comprising reporting to a software module the transmission latency.

4. (Currently Amended) The method of claim 1, wherein the data packet is one of a plurality of data packets that collectively comprise a portion of a media presentation rendered to a user.

5. (Currently Amended) The method of claim 4, ~~1,~~ wherein the plurality of data packets are received via a modem.

6. (Currently Amended) A latency detector for determining a latency in data communication, the latency detector configured to:

determine a transmission period for receiving a data packet;

subtract a base period from the transmission period to determine a transmission latency; and

in response to the transmission latency being less than 0, modify the base period.

~~determine changes in a one-way latency in data communication from a first computer to a second computer, wherein the one-way latency identifies a duration of time that it takes for the transmission of a data packet relative to a previously transmitted data packet.~~

7. (Currently Amended) The latency detector of claim 6, wherein the latency detector is a program configured to be executed by a ~~in the second~~ computer.

8. (Currently Amended) The latency detector of claim 6, wherein the latency detector reports the transmission latency to a ~~the~~ packet receiver.

9. (Currently Amended) The latency detector of claim 6, wherein the data ~~transmitted~~ packet is one of a plurality of data packets that collectively provide a streaming media presentation.

10. (Currently Amended) The latency detector of claim 6, additionally comprising a modem for receiving the ~~one or more~~ data packet~~s~~.

11. (Currently Amended) An electronic device for determining network conditions, the device ~~method~~ comprising:

means for determining a transmission period for receiving a data packet;

means for subtracting a base period from the transmission period to determine a transmission latency; and

in response to the transmission latency being less than 0, means for modifying the base period.

~~means for receiving a plurality data packets from a server computer via a network communication link; and~~

~~means for determining a one-way transmission latency, responsive to the receipt of two or more of the plurality of data packets, wherein the one-way latency identifies a duration of time that it takes to receive a data packet from the server computer in relation to a previously received data packet.~~

12. (Currently Amended) The electronic device of claim 11, wherein determining the transmission period includes: ~~additionally comprising:~~

means for reading a timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent; and

~~means for accessing a timestamp in each of the two or more data packets, each timestamp approximately identifying a point in time when the server computer began transmitting the respective data packet; and~~

means for modifying the time of ~~each of~~ the timestamp~~s~~ to account for any clock skew. ~~between a clock of the server computer and a clock of the electronic device.~~

13. (Original) The electronic device of claim 11, additionally comprising means for reporting to a software module the transmission latency.

14. (Currently Amended) The electronic device of claim 11, wherein the data packet is one of a plurality of data packets that ~~collectively~~ comprise a portion of a media presentation rendered to a user.

15. (Currently Amended) The electronic device of claim 14, ~~11,~~ wherein the plurality of data packets are received via a modem.

16. (Currently Amended) A system ~~for determining a latency in data communication, the system~~ comprising:

~~a server;~~

~~a network; and~~

a computer ~~client~~ comprising

a packet receiver operable to ~~which~~ receive a ~~d one or more~~ data packet ~~s from a first computer~~ via a ~~the~~ network; and

a latency detector operable to:

determine a transmission period for receiving the data packet;

subtract a base period from the transmission period to determine a transmission latency; and

in response to the transmission latency being less than 0, modify the base period.

~~which determines changes in latency in data communication from the server to the client, responsive to the receipt of the data packets by the packet receiver, wherein the latency identifies a duration of time that it takes to receive a data packet from the server relative to a previously received data packet.~~

17. (Original) The system of claim 16, wherein the latency detector reports the transmission latency to the packet receiver.

18. (Currently Amended) The system of claim 16, wherein the data packet is one of a plurality of ~~or more~~ data packets that collectively provide a streaming media presentation.

19. (Currently Amended) The system ~~electronic device~~ of claim 16, additionally comprising a modem for receiving the ~~one or more~~ data packet~~s~~.

20. (Currently Amended) A computer-readable storage medium storing a program ~~storage device storing instructions~~ that, when executed by a computer, causes the computer to: ~~performs the method comprising:~~

determine a transmission period for receiving a data packet;

subtract a base period from the transmission period to determine a transmission latency; and

in response to the transmission latency being less than 0, modify the base period.

~~receiving a plurality data packets from a server computer via a network communication link; and~~

~~determining a one-way transmission latency, responsive to the receipt of two or more of the plurality of data packets, wherein the one-way latency identifies a duration of time that it takes to receive a data packet from the server in relation to a previously received data packet.~~

21. (Currently Amended) The program storage device of claim 20 wherein, to determine the transmission period, the program, when executed by the computer, causes the computer to:~~, additionally performing:~~

read a timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent; and

~~accessing a timestamp in each of the one or more data packets, each timestamp approximately identifying a point in time when the server computer began transmitting the respective data packet; and~~

modify the time of ~~ing each of~~ the timestamp~~s~~ to account for any clock skew~~between a clock of the server computer and a clock of a receiving computer.~~

22. (Currently Amended) The program storage device of claim 20, wherein the program, when executed by the computer, further causes the computer to ~~additionally comprising~~ report ~~ing~~ to a software module the transmission latency.

23. (Currently Amended) The ~~program~~ storage medium ~~device~~ of claim 20, wherein, to determine the transmission period, the program, when executed by the computer, causes the computer to read a timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent. ~~the data packets collectively comprise a portion of a media presentation rendered to a user.~~

24. (Currently Amended) The ~~program~~ storage medium ~~device~~ of claim 23, ~~20,~~ wherein, to determine the transmission period, the program, when executed by the computer, causes the computer to subtract the timestamp from a timestamp associated with when the data packet was received. ~~the plurality of data packets are received via a modem.~~

25. (New) The method of claim 1 wherein determining the transmission period includes reading a timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent.

26. (New) The method of claim 25 wherein determining the transmission period includes:

subtracting the timestamp from a timestamp associated with when the data packet was received.

27. (New) The method of claim 1 wherein a base period comprises a determination of the transmission period for a data packet.

28. (New) The method of claim 1 wherein modifying the base period comprises subtracting from the base period the most recently obtained transmission latency.

29. (New) The method of claim 1 wherein modifying the base period comprises subtracting from the base period the absolute value of the most recently determined transmission latency.

30. (New) The method of claim 25 wherein a timestamp comprises a clock value and/or a counter value.

31. (New) The method of claim 1 further comprising:

determining a transmission period for a data packet received subsequent to a first data packet; and

subtracting the base period from the transmission period for the subsequent data packet to determine a transmission latency relative to the subsequent data packet.

32. (New) The method of claim 1:

wherein the base period is modified to become a second base period; and

further comprising:

determining a transmission period for receiving a second data packet;

subtracting the second base period from the transmission period to determine a second transmission latency; and

in response to the second transmission latency being less than 0, modifying the second base period.

33. (New) The method of claim 1, further comprising modifying the transmission period to account for any clock skew.

34. (New) The latency detector of claim 6 wherein, to determine the transmission period, the detector is configured to read a timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent.

35. (New) The latency detector of claim 34 wherein, to determine the transmission period, the detector is configured to subtract the timestamp from a timestamp associated with when the data packet was received.

36. (New) The latency detector of claim 6 wherein, to determine the transmission period, the detector is configured to:

read a timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent; and

modify the time of the timestamp to account for any clock skew.

37. (New) The latency detector of claim 6 wherein a base period comprises a determination of the transmission period for a data packet.

38. (New) The latency detector of claim 6 wherein, to determine the base period, the detector is configured to subtract from the base period the most recently obtained transmission latency.

39. (New) The latency detector of claim 6 wherein, to determine the base period, the detector is configured to subtract from the base period the absolute value of the most recently obtained transmission latency.

40. (New) The latency detector of claim 34 wherein a timestamp comprises a clock value and/or a counter value.

41. (New) The latency detector of claim 6, wherein the detector is further configured to modify the transmission period to account for any clock skew

42. (New) The system of claim 16 wherein, to determine the transmission period, the latency detector is operable to read a timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent.

43. (New) The system of claim 42 wherein, to determine the transmission period, the latency detector is operable to subtract the timestamp from the timestamp associated with when the data packet was received.

44. (New) The system of claim 16 wherein, to determine the transmission period, the latency detector is operable to:

read a timestamp included in the data packet, wherein the timestamp is associated with when the data packet was sent; and

modify the time of the timestamp to account for any clock skew.

45. (New) The system of claim 16 wherein a base period comprises a determination of the transmission period for a data packet.

46. (New) The system of claim 16 wherein, to determine the base period, the detector is configured to subtract from the base period the most recently obtained transmission latency.

47. (New) The system of claim 16 wherein, to determine the base period, the detector is configured to subtract from the base period the absolute value of the most recently obtained transmission latency.

48. (New) The system of claim 16 wherein a timestamp comprises a clock value and/or a counter value.

49. (New) The storage medium of claim 20 wherein, to modify the base period, the program, when executed by the computer, causes the computer to subtract from the base period the most recently obtained transmission latency.